REMARKS

In the March 30, 2004 Office Action, the Examiner rejected claims 1-7, 9-27, and 29-35 pending in the application. This Response amends claims 1, 13, and 21. Support for the amended claims may be found in the originally filed specification, and thus, no new matter is added by this amendment. After entering the foregoing amendments, claims 1-7, 9-27, and 29-35 (3 independent claims; 33 total claims) remain pending in the application. Reconsideration is respectively requested.

TELEPHONIC INTERVIEW

In the telephone interview of June 22, 2004, Examiner Baoquoc To, the Applicant's representative (David O. Caplan), and the Applicant (Karl Forster) discussed the Office Action of March 30, 2004, the cited reference from the Office Action, and proposed amendments to the claims. During the interview, it was agreed that it was likely that the proposed amendments to the claims would overcome the reference cited in the March 30, 2004 Office Action.

CLAIM REJECTIONS FROM OFFICE ACTION

Claims 1-7, 9-27, and 29-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hugard et al., U.S. Patent No. 5,745,669, issued April 28, 1998 (hereinafter "Hugard"). Applicants respectively traverse this rejection as discussed with the Examiner during the telephone interview summarized above.

Hugard generally discloses a system and method for recovering personal computer configurations. The Hugard system detects changes in a personal computer's configuration files and prompts the user when a change is detected. The user assists in determining whether the computer system operates properly with the changes to the configuration files. If the computer does not operate properly, the Hugard system provides the user with a choice to either totally or partially restore the configuration files. (Col. 4, lines 20-32) Thus, the Hugard system provides for a user to intervene and manually direct the system whether or not to recover files.

In contrast to Hugard, the present invention of amended independent claims 1, 13, and 21 provides for a system and method that protect, as necessary, "the target file by _automatically_ replacing, without human intervention, the target file such that the target file is identical to the archive file, wherein the replacing occurs when the comparison indicates that the target file is not identical to the archive file." As discussed with the Examiner, Hugard does not disclose, teach

or suggest this element of protecting target files by automatically replacing files without human intervention.

For the above reasons, Applicant submits that the invention of claims 1-7, 9-27, and 29-35 are patentable over Hugard and therefore claims 1-7, 9-27, and 29-35 are allowable. Accordingly, Applicant respectively request the withdrawal of the rejection of claims 1-7, 9-27, and 29-35 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all of the pending claims fully comply with 35 U.S.C. § 112 and are allowable over the prior art of record. Reconsideration of the application and allowance of all pending claims is earnestly solicited. If the application is not allowed, Applicants respectfully request an Advisory Action from the Examiner. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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